

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Telecommunications Relay Services and)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals)	
With Hearing and Speech Disabilities)	
)	
Structure and Practices of the)	CG Docket No. 10-51
Video Relay Service Program)	
_____)	

COMMENTS OF CONVO COMMUNICATIONS, LLC

Convo Communications, LLC (“Convo”) hereby responds to Part III and Sections IV C-E and G-H of the Federal Communications Commission’s (“FCC” or “Commission”) Notice of Inquiry (“*NOI*”) on service quality metrics for Video Relay Services (“VRS”) and its Further Notice of Proposed Rulemaking (“*FNPRM*”) on VRS Use of Enterprise and Public Videophones, Direct Video Calling Customer Support Services, Per Call Validation procedures, Non-Service Related Inducements to Sign Up for VRS, and Non-Compete Provisions in VRS CA Employment Contracts.¹

I. Introduction

Convo’s *NOI* comments primarily focus on recommending that the Commission sponsor a research effort into what constitutes quality interpreting in a VRS context. VRS has opened doors for deaf people in providing accessible telecommunications through live interpretation through a video connection. Convo is committed to seeing the quality of VRS continue to improve and reach

¹ *Structure and Practice of the Video Relay Service Program*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, FCC 17-26, Section IV, A-B and F (rel. March 23, 2017) (“*Report and Order*” “*NOI*” and “*FNPRM*”).

a day where it achieves true functional equivalency as mandated by the Americans with Disabilities Act (“ADA”).² However, as Convo’s comments below will illustrate, Convo urges the Commission to pause before establishing service quality metrics in order to first spend some time and research to determine just what quality video interpreting consists of. Convo also provides comment regarding phony VRS calls noting that providers are best able to handle phony calls without the need for further regulation.

Further, Convo offers response comments to the *FNPRM*. With respect to the Commission’s proposal to require a log-in method such as a personal identification number (“PIN”) in order to authorize use of a videophone (“VP”) in a public location, Convo is of the position that this requirement will in practice be inconsistent with the ADA’s mandate that telecommunication relay services (“TRS”) be accessible as the PIN requirement will only serve to limit and suppress the actual availability of public VPs. Convo is in favor of allowing providers of direct video calling (“DVC”) customer support services to access the TRS Numbering Directory provided that the Commission offers prior approval to DVC providers to prevent inappropriate use of DVC. Regarding per call validation procedures, Convo has no objection to a requirement that providers query either the TRS user registration database (“TRS-URD”) or the TRS Numbering Directory to validate the eligibility of the party on the video side of a VRS call, so long as this is not required for sequential calls. In terms of the non-service related inducements to sign up for VRS, Convo maintains that the best method of regulation is simply to ensure the right compensation rate for certain tiers of providers as a check against waste and abuse of inappropriate inducements to sign up for VRS providers. Finally, it has been Convo’s experience that non-compete provisions in VRS Communications Assistant (“CA”) employment contracts have been a

² 47 U.S.C. § 225.

burden on prospective applicants who fear legal action will be taken against them by a provider due to their having signed a non-compete provision in their employment agreement, regardless of whether the provider has ever actively pursued legal action to enforce the non-compete provision. Convo looks forward to continuing to see progressive change in VRS in a way that encourages healthy competition in the VRS industry; and improves the quality of interpretation provided to consumers of VRS.

II. Notice of Inquiry

A. Performance Goals

In its *NOI*, the FCC sought comment on how it may establish performance goals and service quality metrics that will lead to consumers being able to make informed decisions when they choose which service provider they want to use for their VRS calls, and that will also help maintain a competitive VRS industry. Convo appreciates the opportunity to provide comment on the *NOI* and appreciates the commitment toward improving VRS as a whole, however Convo strongly encourages the Commission to first explore what constitutes quality interpreting before the FCC even determines to use metrics to assess a VRS provider's level of success in delivering quality service or meeting performance goals.

When VRS first formed, it was a revolutionary act in terms of its impact on deaf and hard of hearing people across the country, opening up more opportunities thanks to the ability to have more fluid conversations with hearing people on the phone. However, in the interest of expediency, VRS was established prior to any opportunity to research and assess what norms or expectations that create quality interpretation should be embraced into video interpretation. VRS went on to operate under the lens of efficiently provided services and used quantitative measures to gauge its

success such as Speed of Answer (“SoA”) metrics. The qualitative standards for CAs, on the other hand, have remained unchanged since the initial adoption of the TRS rules, and these were designed for the operation of TTY relay.³ Now though that the Commission is beginning to look at service quality standards for VRS, something Convo supports in principle, Convo urges that the Commission first allow for funds and time to conduct thorough research into what quality interpretation means in a VRS context. There is a wealth of untapped knowledge and examples in both community interpretation and in regulatory sources, namely Title II of the ADA, which may contribute to a greater understanding of what of quality interpretation encompasses. Convo notes that in the ADA, a qualified interpreter in the context of Video Remote Interpreting or on site is one defined as one who “is able to interpret effectively.”⁴ The ADA also looks at auxiliary aids and services from the lens of what is “effective” as well when in its list of examples of auxiliary aids and services, it mentions “video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices...”⁵ Convo urges the FCC to commit time and effort, and funds from its Research and Development (“R&D”) portion of the TRS Fund, into the question of whether VRS service quality should be looked at from the lens of effective communication as discussed in the ADA instead of or in addition to the efficiency of the service.

The *NOI* quotes a policy statement submitted in April 2011 in which various consumer groups suggested ten core principles that it proposed would lead to functional equivalence in TRS, and defined functional equivalency as occurring when: “Persons receiving or making relay calls are able to participate equally in the entire conversation with the other party or parties and they

³ See 47 CFR §64.604 (a).

⁴ 28 CFR §35.104.

⁵ Americans with Disabilities Act of 1990, Title II, as amended by the ADA Amendments Act of 2008 (Public Law 110-325, 122 Stat. 3553 (2008)).

experience the same activity, emotional context, purpose, operation, work, service, role (function) within the call as if the call is between individuals who are not using relay services on any end of the call.”⁶ Convo suggests that conducting research on this issue and what should encompass quality interpreting in VRS may supplement or complement the starting point offered in that statement. Convo further suggests that we may learn that the definition of functional equivalency may need to be refined to account for the distinct differences between signed and spoken language and that interpretation is not transliteration but translation.

The *NOI* goes on to list potential quality metrics by which the performance of VRS providers could be measured and asks for comment on each proposed quality metric. While Convo supports the effort to improve VRS performance and the quality of interpreting services provided, Convo urges the Commission to take the present time to invest in a research effort and collaborative discussion that would ultimately help shape a shared understanding of what it means to provide quality interpretation over VRS. There is a range of dynamics involved in VRS interpretation that need to be explored before Convo can comment on the metrics highlighted by the *NOI*. For instance, the definition of functional equivalency quoted earlier may seem to suggest that the goal of quality interpretation would be for the Video Interpreter (“VI”) to be seemingly non-present, for the two people at each end of the call to have the same emotional response to the call as they would without an interpreter. Yet, research into the nature of interpretation and translation may supplement and reshape the proposed definition of functional equivalency based on a solid foundation of research into what occurs in effective interpretation, and what types of experience may perhaps simply be an inevitable part of the experience of communication occurring in multiple languages. As a point of comparison, stepping away from the English to American

⁶ Consumer Groups’ TRS Policy Statement – Functional Equivalency of Telecommunications Relay Services: Meeting the Mandate of the Americans with Disabilities Act, Attach. at 1 (filed April 12, 2011).

Sign Language (“ASL”) framework, very few would suggest that a Spanish person speaking Spanish through a translator to an English speaking individual will have all of the same emotional experiences as if they would if both individuals at each end of the call spoke Spanish. There is inevitably a certain quality loss in translation. For instance, in English when one describes having flossed their teeth, one might say “I flossed my teeth today,” but in Spanish, there is no word for “floss” so the translation becomes akin to “I used the thread in my teeth today.” There is essentially an inevitable accent of another kind placed on the conversation, one that changes the listening experience. There is a similar element present in an English to ASL translation; for instance, there is no true ASL translation for the phrases “throw down the gauntlet” or “there is more than one way to skin a cat.” In order to properly translate these sorts of phrases from one language to another may necessitate the interpreter making decisions that could impact on the conversation in a way that would not exist if the two callers were using the same language with the same understanding of the language’s idioms. Indeed, this issue may be one of a plethora of issues that Convo suggests be explored before metrics established. Going back to the “more than one way to skin a cat” example, in quality interpreting, should the interpreter sign the English phrase, or should the interpreter come as close to the meaning as possible? What does this mean for assessing the quality of service provided by the interpreter?

As another example of the challenges involved in interpreting, there are signs that have multiple meanings, despite having similar or exactly the same handshapes, such as the following English words that use the same American sign: “judge”, “judgment,” “court,” and “trial.” What should the role of the interpreter be in this context? In community or educational interpreting, quality interpreting involves the interpreter clarifying which meaning is intended, so they may interrupt the signer or speaker to clarify. Should this same approach be utilized in VRS with the

interpreter taking care to observe whether the ASL user understands which meaning to derive from the sign? If so, would this impact the notion that the interpreter should seem to have as little impact on the conversation as possible?

With these unanswered challenges in mind, Convo suggests research be conducted into whether quality interpreting is the definition provided, that “same activity, emotional context, purpose, operation, work, service, role (function),” occurs as if there were no interpreter; or whether quality interpreting is something else entirely, perhaps something more akin to the U.S. Department of Justice’s (“DOJ”) concept of “effective communication” instead.⁷ Convo does not purport to have the answers to these questions, but strongly suggests that developing quality service metrics before looking at these questions is essentially putting the horse before the cart.

Other types of questions Convo urges should be researched include whether quality interpreting requires the interpreter to interject when the interpreter senses a misunderstanding based on language (as often is the practice in community interpreting); should CAs communicate side conversations that can be overheard (as again is a common practice in community interpreting); does quality interpreting require knowledge of regional signs, if so, should there be a metric for that? For many of these questions, community interpreting has already spent decades developing a map that guides which approaches deliver effective interpreting. However, very few of the tactics used in community interpreting are applied to VRS, primarily because they interfere with the FCC’s mandate that payment be based on minutes only, not quality; and because they interfere with other FCC requirements such as speed of answer, and only ten minute breaks per sixty minutes. In community interpreting, it is well established that an interpreter’s level of clarity

⁷ 28 CFR §35.161(b), Americans with Disabilities Act Title II Regulations; U.S. Department of Justice Civil Rights Division Technical Assistance Publication: “Effective Communication Overview”, <https://www.ada.gov/effective-comm.pdf>, accessed on 5/30/2017.

and effectiveness drops after twenty minutes of interpreting, hence the norm of alternating with a partner every twenty minutes, yet this knowledge is not utilized nor currently able to be utilized in VRS. Convo encourages the FCC to commit an effort toward research geared toward answering what constitutes quality interpreting in the VRS industry.

Convo appreciates the sentiment expressed in the *NOI* that the Commission is interested in doing what it can to look beyond the quantitative nature of VRS, that side in which only the minutes and speed of answer are counted for, and focus on truly achieving functional equality and effective interpreting under the ADA. Convo does not intend to present these questions in an effort to derail that process, but rather to encourage the Commission to use a portion of the TRS Fund toward research into these issues, or to commit toward sponsorship of an event akin to the SIP forums in which VRS providers, consumers, researchers from the realm of community interpreting, can come together to begin to build a more clear understanding of what “quality interpreting” should encompass. Any effort to spearhead research into quality interpreting should be led by deaf organizations and interpreting based organizations, rather than outside parties, as these organizations would be the best starting point to lead and organize this effort.

B. Performance Measures

The Commission wishes to collect empirical evidence to “inform both the Commission’s VRS policy decisions, as well as provide consumers with the information they need to make informed choices in their selection of VRS provider services.”⁸ The *NOI* seeks comment on whether the assessment of VRS providers’ services should be overseen by the Interstate TRS Fund administrator or independent third parties. Again, Convo strongly urges the Commission to

⁸ *Structure and Practice of the Video Relay Service Program*, Report and Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, FCC 17-26, Section IV, A-B and F (rel. March 23, 2017) (“*Report and Order*” “*NOI*” and “*FNPRM*”), page 30.

sponsor research led by deaf and interpreting based organizations to look into what quality interpreting encompasses. The ultimate goal of this endeavor should be to enhance the quality of interpretation provided through VRS and provide greater insight and some uniform understanding as to how to achieve true effective and quality VRS service for consumers. At the conclusion of such a research effort, it may be determined that establishing service quality metrics is not the most effective or best way to measure VRS performance, but even if that is the conclusion, the Commission and VRS providers will have gained a better understanding of how to raise the bar and provide quality interpretation. Determining these answers will not and should not be an overnight process. Convo urges the Commission to reframe this process away from establishing quality metrics at this point in time and instead allow for an effort to better understand and develop a consensus around what it means to provide VRS interpretation that reaches functional equivalency under the ADA or to provide effective interpretation as defined by the DOJ.

Should the time come when VRS providers are assessed for interpretation quality, Convo encourages the Commission to avoid any approach that risks confidentiality. The confidentiality of VRS calls remains one of the main cornerstones of VRS, and of all ASL interpreting. Consumers rely on being able to trust that their calls are confidential. Laying out the logistics for how to assess quality interpretation without violating the confidentiality principle may be better saved for after determining what quality interpretation in VRS even is and Convo will be prepared to offer comment at that point.

C. Phony VRS Calls

Like all VRS providers, Convo gets its share of consumers who are challenging to interpret for because of their conduct towards the VI on their calls. Convo has a procedure in place which

VIs use to flag problematic callers in order to receive support from managers and other Convo personnel as appropriate. Convo trains its VIs on how to deescalate situations involving customers expressing challenging conduct. Convo VIs are also trained to promptly disconnect if at any point in the video connection it becomes apparent that a legitimate VRS call is not occurring. Once in a great while Convo will terminate the account of an individual who is a serial and severe abuser of VIs to the point that effective interpreting isn't occurring with a range of VIs, and cannot conduct him or herself per Convo's user agreement. In those rare cases, Convo will provide the individual with a warning and then if the abusive conduct continues, Convo will move for termination with advance written notice of termination in order to allow for the opportunity to port his or her number to another provider.

On occasion, individuals will repeatedly use another provider's VP for the sole purpose of connecting with a Convo VI to exhibit lewd conduct without any intent to make a VRS call. In those cases, Convo employs a procedure involving several layers of review which may result in a block of the number from connecting to Convo until and unless further information is received about the use of the iTRS number assigned by another provider.

Convo is of the firm view that providers are in the best position to handle these types of individuals, that Convo has successfully established effective handling procedures, and thus opposes as unnecessarily intrusive any attempt to regulate situations involving problematic individuals. Convo has not experienced the use of its VRS by callers for scams, spoofing or swatting.

III. Further Notice of Proposed Rulemaking

A. Enterprise and Public Videophones

The Commission seeks comments on the VRS use of certain VPs which may be accessed by more than a single registered individual for the purpose of the accurate identification and verification of the eligible caller on the TRS-URD. The Commission proposes that providers establish log-in procedures for all public VPs and for enterprise VPs⁹ that are not located in private workspaces. The Commission does not seem to propose adopting a specific method for log-in procedures, which apparently would be left to each provider to develop. The Commission provides as an example a PIN to use along with the user's iTRS phone number to log in.

Convo begins with the premise that public and enterprise VPs are significantly less available to VRS users as compared with telecommunications devices for the deaf ("TDD" or "TTY"). In a position statement, the National Association of the Deaf stated that while "places [of public accommodations] are often aware of their obligation to provide TTYS ... [they] have become increasingly obsolete..." and that "other forms of telecommunications technologies, such as videophones ... and the ability to access relay services, including Internet-based relay services, should be made available to this segment of the public to ensure equal access."¹⁰ Consumer groups commented to the Equal Employment Opportunity Commission that "video phones are frequently denied to or restricted in use to deaf and hard of hearing employees" and called for federal

⁹ The Commission states that for the purposes of the *FNPRM*, "enterprise videophones" refers to VPs provided by entities such as businesses, organizations and governmental agencies that are designated for use by their employees and "public videophones" are those VPs made available in public spaces, such as schools, hospitals, libraries, airports, and governmental agencies. *FNPRM*, para.117.

¹⁰ *Position Statement on Functionally Equivalent Telecommunications for Deaf and Hard of Hearing People*, National Association of the Deaf (Adopted December 21, 2014).

regulations to resolve barriers preventing the use of VPs in the workplace.¹¹

Requiring the use of a PIN will prove to become a crushing barrier to the use of VPs in public spaces. It is not realistic to expect registered individuals to remember their PIN upon the occasional need to use VRS from a public location. It is Convo's experience that VRS customers already have difficulty recalling their phone numbers let alone any additional log-in codes. The challenge is readily compounded in a number of scenarios, such as the use of a public VP in a hospital where a user's mental state could be affected to the point where he or she is unable to recall a PIN to make a VRS call – a 911 call exception would not help in that situation. A PIN would likely and inappropriately prevent certain categories of users from accessing public VPs, such as children, the elderly, ASL users visiting from abroad, and those with cognitive disabilities. In an environment with a variety of provider devices with different log-in procedures, VRS users would be easily confused how to access the specific product that happened to be at the public location and possibly needing to know a different log-in PIN for each provider. Requiring a PIN is ultimately inconsistent with the ADA's mandate that the Commission ensures that "telecommunications relay services are available, to the extent possible and in the most efficient manner"¹² because the effect of requiring a PIN will be to wipe out the availability of public VPs as being inaccessible as a practical matter.

The Commission's proposal to require a one-time log-in for enterprise VPs located in

¹¹ *The Federal Sector's Obligation to Be a Model Employer of Individuals with Disabilities, Comments of Consumer Groups in Response to Advance Notice of Proposed Rulemaking*, National Association of the Deaf, Telecommunications for the Deaf and Hard of Hearing, Inc. Deaf and Hard of Hearing Consumer Advocacy Network Association of Late-Deafened Adults, Inc., Hearing Loss Association of America California Coalition of Agencies Serving the Deaf and Hard of Hearing, Cerebral Palsy and Deaf Organization, American Association of the Deaf-Blind, and Deaf in Government, RIN 3046-AA94 (July 14, 2014).

¹² 47 U.S.C. § 225 (b)(1).

private workspaces¹³ mitigates somewhat the burden of requiring special procedures for a registered user to access VRS. Even so, the Commission does not address the significant additional cost providers will incur in developing and maintaining special log-in procedures. Moreover, many VPs in private workspaces are used by more than one individual, such as deaf students who need to call their parents from a deaf school administrator's VP, a deaf client making a VRS call from a deaf professional's office, or a deaf employee making a business call from the office of another deaf employee. Instituting special log-in procedures will create regulatory uncertainties which will lead to inconsistent views and categorization applications about enterprise VPs.

Convo is always interested in offering constructive comment, but it has great difficulty understanding the problem which requires a log-in solution. Convo is of the firm belief that "waste, fraud and abuse" is not occurring from public or enterprise VPs precisely because, as the Commission stated, "given that most hearing people are not fluent in ASL, it will usually be obvious to the CA if an individual placing a call from such a videophone is ineligible to use VRS."¹⁴ Convo has trained its VIs to immediately disconnect if an ineligible user is attempting to make a VRS call; this issue very seldom occurs, perhaps occurring once every several years. If the objective is to track the VRS callers using these VPs, then it is unclear how that information will be helpful in administering the VRS program and why that interest would outweigh the significant barrier log-in procedures will cause to the availability of VP use for VRS. TTYs installed in public places utilized a far less burdensome solution in that the teletype mechanism would automatically activate and slide out whenever the call was connected with a another TTY used by a relay operator or the called party without the need for any log-in procedure.

¹³ *FNPRM*, para 120.

¹⁴ *Id.*, fn. 278.

The Commission proposal to designate a responsible person to register enterprise VPs¹⁵ also is greatly concerning given that there is always constant personnel turnover which would make tracking the persons associated with the registered VP unduly burdensome. Given the arduous and still incomplete experience of providers backtracking to register customers for TRS-URD, it is not reasonable to expect providers to be able to register all of its enterprise devices within 60 days notice.¹⁶ It is not always possible to notify the TRS Fund Administrator within 24 hours of the termination of use of an enterprise or public VP¹⁷ given that the TRS-URD accepts new information only during limited hours and days of the week.

B. Direct Video Calling Customer Support Services

Convo supports allowing providers of direct video calling (“DVC”) customer support services to access the TRS Numbering Directory to enable the benefits of point-to-point (“P2P”) calls between ASL-using customers and customer support personnel.¹⁸ Convo’s caveat is that the DVC providers should be approved by the Commission prior to being permitted to access the Directory to help ensure that it is not vulnerable to inappropriate use.

Convo does not support the proposal to require that DVC numbers be separate and distinct from general customer service numbers as unnecessary overregulation. A DVC provider has pointed out that it is possible for a technology platform to offer customers the option of making P2P or VRS calls to a main number.¹⁹ In addition, it has been the near universal experience of customers contacting entities with a TTY customer support line to be refused service when calling

¹⁵ *Id.*, para. 122.

¹⁶ *Id.*, para. 121.

¹⁷ *Id.*, para. 124.

¹⁸ *Id.*, para. 125-126.

¹⁹ *Response to Soreson [sic] Communications Petition for Reconsideration*, VTCSECURE, LLC, CG Docket No. 10-51 (Feb. 21, 2017).

the general number and redirected to call the TTY number which was often not staffed and required the caller to leave a message. It would be best to allow entities to determine whether to set up a separate number and allow deaf customers to call the main or another number using VPs.

One important and apparently unaddressed element should be the Commission's support for the deaf customer support personnel, if needed, to be able to transfer the P2P call from a deaf caller to a hearing employee working in the same entity and be joined in that call by a VI for VRS. It is very common for hearing callers to be routed to a variety of personnel to receive the desired support and deaf callers should have the same ability to have their calls be routed rather than needing to hang up and try calling another number to receive the specific support needed. The Commission should ensure that its rules allow for the subsequent transfer from a DVC to a VRS call.

C. Per call validation procedures

Convo has no objection to amending the TRS rules to require that for VRS calls, providers query either the TRS-URD or the TRS Numbering Directory to validate the eligibility of the party on the video side.²⁰ To be clear, Convo does not see the need for validation of sequential VRS calls once the party has been validated in a prior call in the same session. The validation requirement should apply only to VRS calls, not P2P calls. Convo is concerned about the privacy of customers' video calling information and hopes that keeping the data on P2P calls separate from VRS calls will provide an additional layer of protective processes for the confidentiality of customer calling history.

²⁰ FNPRM, paras. 127-128.

D. Non-Service Related Inducements to Sign Up for VRS

Convo previously commented that massive equipment giveaways have harmfully distorted the VRS market by causing VRS consumers to be subject to the unwarranted control and manipulation by providers in order to obtain and retain free equipment.²¹ The provision of free large television monitors to customers, for example, was defended as being necessary to permit their access to VRS. As the VRS rates dropped, there has been correspondingly diminishing reports of large equipment giveaways by the largest provider; and Convo remains of the view that the right sizing of the compensation rate for certain tiers of providers is the best check against the waste and abuse of inappropriate equipment-related inducements to use a provider.²²

E. Non-Compete Provisions in VRS CA Employment Contracts

Convo views Sorenson Communications, LLC's ("Sorenson") use of non-compete provisions as the remaining half of its intimidation tactics to secure control over the VRS market. The Commission in 2007 acted on information that providers were calling customers to notify them that they have not made sufficient VRS calls and advising them to make more calls in order to retain their free equipment by ordering that "[p]roviders that give consumers relay equipment cannot condition the ongoing use or possession of the equipment, or the receipt of different or upgraded equipment, on the consumer making relay calls through its service or the service of any other provider. In other words, providers cannot give consumers equipment as part of outreach efforts or for other purposes, and then require that the equipment be relinquished if the consumer

²¹ See e.g., *Comments of Convo Communications, LLC*, pp.14-15, CG Docket Nos. 10-51, 03-123 (April 24, 2017) ("*Convo Comments*").

²² *Id.*, p. 15.

fails to maintain a certain call volume.”²³

Convo has consistently been contacted by Sorenson VIs and Customer Support personnel who are interested in working for Convo, but are afraid to apply because of the possibility of Sorenson taking legal action against them based on a breach of the non-compete provision in their employment agreement. Convo informs the prospective applicants that it has not experienced Sorenson enforcing the provision in its hires of Sorenson personnel, that it was just an intimidation tactic upon signing, and that non-compete provisions are not permitted in several states including California, North Dakota, and Oklahoma. If prospective applicants working at Sorenson continue to be fearful, Convo discusses with them the possibility of providing indemnification against any legal action taken against them by Sorenson, although Convo never has actually entered into such an indemnification agreement with prospective applicants. There is no question that Sorenson’s non-compete provision has deterred VIs and Customer Support from seeking employment at Convo.

Given Sorenson’s close associations with a majority of interpreter training programs, the restrictive flow caused by a contractual contrivance has harmed the availability of VIs to Convo during a period of continuous growth of customers and corresponding demand. Convo reaps very little to no benefit from Sorenson’s time with VIs who moved to Convo as our philosophies and customer approaches are so different that Convo often has to train those VIs to unlearn Sorenson’s system to be able to provide interpreting the Convo way. Given that Sorenson’s huge absorption of interpreters contributes to a “serious drain on the community interpreting workforce,”²⁴ Sorenson

²³ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Declaratory Ruling, 22 FCC Rcd 20140, 20175, para. 94 (Nov. 19, 2007).

²⁴ *Preparing Interpreters for Tomorrow: Report on a Study of Emerging Trends in Interpreting and Implications for Interpreting Education*, Cogen and Cokely, National Interpreter education Center, p. 17 (Jan. 2015).

should avoid adopting any restrictions on the mobility of interpreters simply as a good citizen of the ASL community. Convo can see that prohibiting non-compete restrictions would be an appropriate Commission exercise of its section 225 authority for TRS-related public policy, but would like to learn more from the providers proposing this ban regarding their views as to the legal underpinnings of the Commission's authority to act as requested.

IV. Conclusion

The Commission is taking definitive steps to modernize the VRS program through its *NOI* and *FNPRM*. Convo appreciates the Commission's commitment to the continued reform of the VRS program, so that the Commission, as Chairman Pai said, "will make those services more useful" in fulfilling the ADA goals for TRS.²⁵ VRS truly is one of the most life-changing experiences of our generation, and Convo is grateful to be part of it because the quality of our lives depends on the success of the VRS program.

Respectfully submitted,

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²⁵ See Remarks of FCC Chairman Ajit Pai at the American Enterprise Institute, "The First 100 Days: Bringing the Benefits of the Digital Age to All Americans," Washington, D.C., (May 5, 2017), available at https://apps.fcc.gov/edocs_public/attachmatch/DOC-344733A1.pdf.